

FARMINGTON POLICE DEPARTMENT

POLICY AND PROCEDURE



Policy Number:
241-15

Effective Date:
08/17/16

Subject:
Missing Persons (Adults)

Approved by:

A handwritten signature in black ink, appearing to read "S.D. Hebbe".

Steven D. Hebbe, Chief of Police



PURPOSE:

The purpose of this policy is to establish responsibilities and guidelines for the department's response to reports of missing persons pursuant to the "Missing Persons Information and Reporting Act". [29-15-1 to 29-15-12 NMSA 1978].

POLICY:

It is the policy of the Farmington Police Department that missing person reports shall be taken without delay or exception and appropriately investigated in accordance with New Mexico State Statute.

PROCEDURE:

There is no waiting period for reporting a missing person. Missing person reports may be taken in-person, by telephone, electronic media, or by any other indirect method of communication. This agency shall start an appropriate investigation to determine the present location of the missing person and to determine whether the missing person is an endangered person.

If the person resides in a different jurisdiction, the investigation includes communicating with the proper agency and involving them in the investigation. Requirements for entry into NCIC remain the same and Detectives will liaise with the agency in the different jurisdiction.

Reports of missing children should be handled in accordance with the department's Missing Children Policy (policy #241-16);

Missing Person / Classification:

1. A "missing person" is:

a. A person whose whereabouts are unknown to the person's custodian, spouse, nearest relative, or close personal friend **and**

b. The circumstances indicate that:

(1). The person did not leave voluntarily

- (2) The person left voluntarily without the custodian's consent and without intent to return
- (3) The person became unaccounted for during a natural disaster or mass casualty incident.

Endangered Person Definition/Classification:

1. An "endangered person" is a missing person who:
 - a. Is in imminent danger of causing harm to the person's self, or;
 - b. Is in imminent danger of causing harm to another, or;
 - c. Is in imminent danger of being harmed by another or who has been harmed by another,
 - d. Has Alzheimer's disease, Autism, Down syndrome, or another degenerative brain disorder/injury or medical condition, or;
 - e. Foul play is suspected based on reasonable suspicion, or;
 - f. Due to age, either very young or elderly, the person is unable to properly care for him or herself, or;
 - g. The person is a patient in a secure treatment or medical facility or institution, or;
 - h. The person has been a victim of a crime as provided in the Crimes Against Household Members Act or in Section 30-3A-3 or 30-3A 3.1, or;
 - i. The person is or was protected by an order of protection pursuant to the Family Violence Protection Act in Chapter 40, Article 13
 - j. The person may have been boating or last seen near a body of water immediately prior to the report, or;

Initial Responding Officer Responsibilities/Investigation:

1. The initial responding officer must gather as much pertinent information as is reasonably possible in order to properly classify a missing person and initiate a proper response to include:
 - k. Name, DOB, age and physical description (including scars, marks, and tattoos) of the subject.
 - l. Current photograph;
 - m. Description of clothing, jewelry, and other items that may be with the person

- n. Relationship of the reporting party to the missing person and the extent of any search for the person;
 - o. Time and place of last known location and the identity of anyone accompanying the subject;
 - p. Investigate the location at which the missing person was last seen even if the premises have been previously searched by family members or others;
 - q. Conduct interviews to try and determine if the person may be at risk of injury or death, if the flight was voluntary, or if foul play is suspected
 - r. Contact area hospitals, detox facilities, and detention centers;
 - s. Determine if the person has been missing on prior occasions
 - t. Involvement in recent domestic incidents and obtain the identity of domestic partners;
 - u. Determine if the person has suffered emotional trauma, life changing event, or has demonstrated unusual, uncharacteristic or bizarre behavior;
 - v. History of drug or alcohol abuse;
 - w. The current physical condition of the subject and whether the person is currently on prescription medication.
 - x. Determine if the person suffers from Alzheimer's disease, Autism, Down syndrome or another degenerative brain disorder/injury, mental illness, or medical condition. If they do, follow-up questions include:
 - Is the person verbal or nonverbal and will they be able to respond to searchers?
 - Are they sensitive to sound? (If so, yelling their name or utilizing search dogs or helicopters may drive them farther away.)
 - How will the person react to searchers? Will they hide or run?
 - Does he or she need life sustaining medication?
 - Are they attracted to specific things or areas? (Due to the potential for drowning, officers should immediately search nearby bodies of water and attempt to contain the person in a specific area.)
2. Upon verification of a missing person and gathering of the above information the initial reporting officer shall:

- a. Issue an "Attempt to Locate" broadcast to all surrounding law enforcement agencies;
 - b. Notify the shift supervisor and on-call detective;
 - c. Make appropriate entries into the National Crime Information Center (NCIC) and New Mexico Crime Information Center (NMCIC) within two (2) hours of receiving the report
 - d. Forward a completed [NMDPS Missing Persons Clearing House Report Form](#) (241-15 Attachment A), a current photograph, and any justification for an endangered classification to the New Mexico Department of Public Safety (DPS) Missing Persons Information Clearinghouse **no later than two (2) hours after receiving the information**. The NMDPS will then make an independent determination to activate an "Endangered Person Advisory".
 - e. Provide all pertinent information to department PIO for dissemination to media.
3. Information not immediately available during the initial report shall be obtained as soon as possible and, no later than two (2) hours after receipt of the information, entered into the Missing Persons Information Clearinghouse and the NCIC file as a supplement to the original entry.
 4. Any officer that receives additional information not available during the initial report shall complete a supplemental report and notify the on-call detective of such information including the return or possible location of the missing person.

Detective Responsibilities/Investigation:

1. Continuing investigations of missing persons should include, but not be limited to, the following actions and activities:
 - a. Contact and re-interview reporting party 24 hours following the initial report;
 - b. Identify the dentist or physician for the missing person and present them the completed [NMDPS Dental Records Release Form](#) (241-15 Attachment B). The dental records will then be forwarded to the Missing Persons Information Clearinghouse;
 - c. Obtain available fingerprints and any other applicable records that would aid in the search of the missing person;
 - d. Re-contact area hospitals, detox facilities, and detention centers;
 - e. Contact the Missing Persons Information Clearinghouse and/or the Office of the Medical Investigator for reports of unidentified human remains matching the description of the missing person;
 - f. If stranger-to-stranger abduction is suspected, notify the FBI Resident Agency;

- g. Maintain contact with the missing person's closest relative concerning progress of the investigation.
- h. Additional information gathered by the detective and the original report will be forwarded to the Missing Persons Information Clearinghouse and be entered into the NCIC file as a supplement to the original entry.

Recovery of Missing Persons and Case Closure:

Missing or Endangered persons shall not be removed from NCIC until their identity is verified in person by a law enforcement officer.

1. Competent adults, having left home for personal reasons, cannot be forced to return home. Officers or detectives locating such individuals shall:
 - a. Advise them that they are the subject of a missing person investigation;
 - b. Ask if they desire the reporting party or next-of-kin to be notified of their whereabouts; and
 - c. Provide this information to the reporting party or next-of-kin if permitted to do so by the missing person.
2. In all cases, reporting parties shall be informed of the well-being of located missing persons. Unless criminal matters necessitate other action, desires of missing persons not to reveal their whereabouts shall be honored.
3. If possible officers should try to establish the circumstances surrounding the persons disappearance and whether or not criminal activity was involved.
4. Upon location of a missing person, all agencies and information systems previously contacted for assistance will be notified or updated.
5. The missing person shall be removed from NCIC/NMCIC prior to the end of shift.
6. A supplemental report documenting the above information will be completed and the case status will be changed to "cleared."
7. Officers who are dispatched to located missing persons shall notify the on-call detective.

Unidentified Human Remains

1. Upon receiving a report of unidentified human remains, officers shall notify their shift supervisor and on-call detective.
2. If remains are not immediately identifiable as human, Detectives should consider utilizing other resources such as archaeologists or medical professionals.

3. All New Mexico law enforcement agencies are required to enter information about all unidentified human remains found in their jurisdiction into the Missing Persons Information Clearinghouse and the National Crime Information Center unidentified person file, including all available identifying features of the human remains and a description of the clothing found on the human remains.